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MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October term, 1978

No. 78-578

IN RE JOSEPH STEINBERGER

THE LINCOLN COUNTY BAR ASSOCIATION

AMICUS CURIAE

BRIEF OF AMICUS CURIAE IN SUPPORT OF A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MAINE

STANLEY R. TUPPER
102 Townsend Avenue
Boothbay Harbor, Maine
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The Lincoln County Bar Association is a voluntary organization of all attorneys in Lincoln County, Maine. Petitioner Joseph Steinberger, also a member, was judged guilty of criminal contempt in the Superior Court of Lincoln County.

The Association has an interest in protecting the rights of all of its members

while engaged in the practice of law. In particular, it has an interest in protecting its members from arbitrary punishment when they are representing clients in court.

The ability of all association members to fairly and strenuously represent clients before juries has been threatened by the decision in the instant case. The standard of contempt set here is so vague that members cannot know when conduct which appears innocent will be found summarily contemptuous. The record is not conclusive that Petitioner Steinberger was acting in a contemptuous manner or that he was obstructing the court in its judicial functions. The standard set on review seems to accept the rule that if the trial justice feels insulted, then a contempt has been committed. Members are threatened because of the lack of objectivity of this standard; because of the absence of a meaningful review. A constant threat of unpredictable judicial punishment has been placed on member attorneys while practicing in court.

This damages not only the attorneys' professional practice, but also infringes on their clients' right to trial by jury; to be represented by attorneys who are free from fear of arbitrary and summary contempt citations.

CONCLUSION

A predictable and recognizable standard of contempt is needed for the proper and just functioning of the judicial system. The standard for contempt in this case is unconstitutionally vague. The Association respectfully submits that this Court grant the Petition for Certiorari.

Respectfully submitted,

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